

.....
(Original Signature of Member)

107TH CONGRESS
2^D SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. BROWN of South Carolina introduced the following bill; which was
referred to the Committee on _____

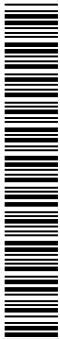
A BILL

To permit the transportation of passengers between United
States ports by certain foreign-flag vessels and to encour-
age United States-flag vessels to participate in such
transportation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Cruise
5 Tourism Act of 2002”.



1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Given that there are no longer any United
4 States-flag ocean-going cruise vessels in the domestic
5 market, it is in the interest of the United States to
6 maximize cruise tourism in United States port cities
7 by waiving the requirement that the world's fleet of
8 foreign-flag large ocean-going cruise vessels must
9 travel to foreign ports as a condition to visiting
10 United States port cities.

11 (2) Despite the downturn in United States
12 tourism over the last year, the pleasure cruise indus-
13 try remains one of the fastest growing segments of
14 the tourism industry, with a record number of North
15 American's cruising in North America in 2002.

16 (3) It is in the interest of the United States to
17 maximize economic return from the growing indus-
18 try of pleasure cruises—

19 (A) by encouraging the growth of new
20 cruise itineraries between coastal cities in the
21 United States;

22 (B) by encouraging the use of United
23 States goods, labor, and support services by
24 such industry; and

25 (C) by encouraging cruise vessels to home-
26 port in more United States port cities, in order



1 to place cruises within driving distance of more
2 United States residents.

3 (4) In maximizing the economic benefits to the
4 United States from increased cruise vessel tourism,
5 there is a need—

6 (A) to ensure that existing employment
7 and economic activity associated with United
8 States-flag vessels (including tour boats, river
9 boats, intracoastal waterway cruise vessels, and
10 ferries) are protected; and

11 (B) to provide for reemergence of a United
12 States-flag cruise vessel industry.

13 (5) Prohibiting cruises between United States
14 ports by foreign-flag vessels when no United States-
15 flag cruise vessels are servicing the domestic cruising
16 market results in the loss of tourist dollars, jobs,
17 and shoreside revenue for United States ports, and
18 greatly disadvantages United States ports and coast-
19 al communities in a time when tourism dollars are
20 badly needed.

21 **SEC. 3. FOREIGN-FLAG CRUISE VESSELS.**

22 (a) DEFINITIONS.—In this Act—

23 (1) COASTWISE TRADE.—The term “coastwise
24 trade” means the coastwise trade provided for in



1 section 12106 of title 46, United States Code, and
2 includes trade in the Great Lakes.

3 (2) CRUISE VESSEL.—The term “cruise vessel”
4 means a passenger vessel that—

5 (A) is at least 20,000 gross registered
6 tons;

7 (B) provides a full range of overnight ac-
8 commodatedions, entertainment, dining, and other
9 services for its passengers; and

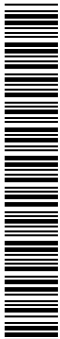
10 (C) has a fixed smoke detection and sprin-
11 kler system installed throughout the accom-
12 modations and service spaces, or will have such
13 a system installed within the time period re-
14 quired by the 1992 Amendments to the safety
15 of Life at Sea Convention of 1974.

16 (3) FOREIGN-FLAG CRUISE VESSEL.—The term
17 “foreign-flag cruise vessel” does not include a vessel
18 which—

19 (A) provides ferry services or intra coastal
20 waterway cruises;

21 (B) regularly carries for hire both pas-
22 sengers and vehicles or other cargo; or

23 (C) serves residents of the vessel’s ports of
24 call in the United States as a common or fre-



1 quently used means of transportation between
2 United States ports.

3 (4) REPAIR AND MAINTENANCE SERVICE.—The
4 term “repair and maintenance service” includes al-
5 terations and upgrades.

6 (5) SECRETARY.—The term “Secretary” means
7 the Secretary of Transportation.

8 (b) WAIVER.—Notwithstanding the provisions of sec-
9 tion 8 of the Act of June 19, 1886 (24 Stat. 81, ch. 421;
10 46 U.S.C. App. 289), or any other provision of law, and
11 except as otherwise provided by this section, the Secretary
12 may approve the transportation of passengers on foreign-
13 flag cruise vessels not otherwise qualified to engage in the
14 coastwise trade between ports in the United States, di-
15 rectly or by way of a foreign port.

16 (c) EXCEPTIONS.—

17 (1) IN GENERAL.—The Secretary may not ap-
18 prove the transportation of passengers on a foreign-
19 flag cruise vessel pursuant to this section with re-
20 spect to any coastwise trade that is being served by
21 a United States-flag cruise vessel.

22 (2) UNITED STATES-FLAG SERVICE INITIATED
23 AFTER APPROVAL OF FOREIGN-FLAG VESSEL.—
24 Upon a showing to the Secretary, by a United
25 States-flag cruise vessel owner or charterer, that

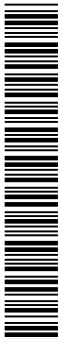


1 service aboard a cruise vessel qualified to engage in
2 the coastwise trade is being offered or advertised
3 pursuant to a Certificate of Financial Responsibility
4 for Indemnification of Passengers for Nonperform-
5 ance of Transportation from the Federal Maritime
6 Commission (issued pursuant to section 3 of Public
7 Law 89-777 (46 U.S.C. App. 817e) for service in
8 the coastwise trade on an itinerary substantially
9 similar to that of a foreign-flag cruise vessel trans-
10 porting passengers under authority of this section,
11 the Secretary shall notify the owner or charterer of
12 each foreign-flag cruise vessel operating on substan-
13 tially similar itineraries that the Secretary will, with-
14 in 3 years after the date of notification, terminate
15 such service.

16 (d) TERMINATION.—

17 (1) IN GENERAL.—Coastwise trade privileges
18 granted to such owner or charterer of a foreign-flag
19 cruise vessel under this section shall expire on the
20 date that is 3 years after the date of the Secretary's
21 notification described in subsection (c)(2).

22 (2) EXCEPTION.—If, at the expiration of the 3-
23 year period specified in paragraph (1), the United
24 States-flag cruise vessel that has been offering or
25 advertising service pursuant to a certificate de-



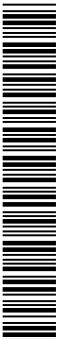
1 scribed in subsection (c)(2) has not entered the
2 coastwise trade described in subsection (c)(2), then
3 the termination of service required by paragraph (1)
4 shall not take effect until 180 days after the date of
5 the entry into that coastwise trade service by the
6 United States-flag cruise vessel.

7 (e) REQUIREMENT FOR REPAIRS IN UNITED STATES
8 SHIPYARDS.—

9 (1) IN GENERAL.—The owner or charterer of a
10 foreign-flag cruise vessel that is qualified to provide
11 coastwise trade service under this section is required
12 to have repair and maintenance service for the vessel
13 performed in the United States during the period
14 that such vessel is qualified for such coastwise trade
15 service, except in a case in which the vessel requires
16 repair and maintenance service while at a distant
17 foreign port (as defined in section 4.80a(a) of title
18 19, Code of Federal Regulations (or any cor-
19 responding similar regulation or ruling)).

20 (2) ACTION IF REQUIREMENT NOT MET.—

21 (A) GENERAL RULE.—If the Secretary de-
22 termines that the owner or charterer has not
23 met the repair and maintenance service require-
24 ment described in paragraph (1), the Secretary
25 shall terminate the coastwise trade privileges



1 granted to the owner or charterer under this
2 section.

3 (B) WAIVER.—The Secretary may waive
4 the repair and maintenance service requirement
5 if the Secretary finds that—

6 (i) the repair and maintenance service
7 is not available in the United States, or

8 (ii) an emergency prevented the owner
9 or charterer from obtaining the service in
10 the United States.

11 (f) DISCLAIMER.—

12 (1) IN GENERAL.—Nothing in this Act shall be
13 construed as affecting or otherwise modifying the
14 authority contained in—

15 (A) Public Law 87–77 (46 U.S.C. App.
16 289b) authorizing the transportation of pas-
17 sengers and merchandise in Canadian vessels
18 between ports in Alaska and the United States.

19 (B) Public Law 98–563 (46 U.S.C. App.
20 289c) permitting the transportation of pas-
21 sengers between Puerto Rico and other United
22 States ports.

23 (2) JONES ACT.—Except as otherwise expressly
24 provided in this Act, nothing in this Act shall be



1 construed as affecting or modifying the provisions of
2 the Merchant Marine Act, 1920.

